

IN THE UNITED STATES DISTRICT COURT  
FOR THE SOUTHERN DISTRICT OF OHIO  
WESTERN DIVISION

ZIMMER, INC.,

Plaintiff(s)

Case No. 3:11-CV- 397

VS

ELK & ELK CO. LTD,

District Judge Thomas M. Rose

Defendant(s)

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**ORDER OF DISMISSAL: TERMINATION ENTRY**

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The Court having been advised by Counsel for the parties that the above matter has been settled, IT IS ORDERED that this action is hereby DISMISSED, with prejudice as to the parties, provided that any of the parties may, upon good cause shown within sixty (60) days, reopen the action if settlement is not consummated.

Parties intending to preserve this Court's jurisdiction to enforce the settlement should be aware of *Kokkonen v. Guardian Life Ins. Co. of America*, 114 S.Ct. 1673 (1994), and incorporate appropriate language in any substituted judgment entry.

The Court will retain jurisdiction to enforce the terms of the settlement between the parties, if necessary.

IT IS SO ORDERED.

Date: May 8, 2011

  
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Thomas M. Rose, Judge  
United States District Court